

# United States Senate

WASHINGTON, DC 20510

June 9, 2026

The Honorable Scott Turner  
Secretary  
U.S. Department of Housing and Urban Development  
451 7th Street SW  
Washington, DC 20410

Dear Secretary Turner:

We write in strong opposition to the Department of Housing and Urban Development’s (HUD) proposed rule entitled, “Housing and Community Development Act of 1980: Verification of Eligible Status.”<sup>1</sup> The rule not only seeks to score political points at the expense of immigrant families, but also flagrantly violates Section 214 of the Housing and Community Development Act of 1980, as amended, which allows mixed-status families to receive federal rental assistance and prevents the separation of families in rental assistance programs. To make matters worse, the rule would cost the U.S. government up to an additional \$251 million annually while boosting evictions of low-income renters—increasing costs for American taxpayers and compounding our nation’s housing crisis.<sup>2</sup> Because the proposed rule violates statutory requirements and exacerbates the housing crisis, we urge HUD to withdraw it immediately.

Section 214 of the Housing and Community Development Act of 1980,<sup>3</sup> as amended, has three main provisions: First, it permits lawful permanent residents, refugees, individuals with temporary protected status, and other certain noncitizens specified by Congress to receive federal housing assistance. Second, it allows families that have members with mixed immigration statuses—where some individuals in the family are U.S. citizens or otherwise eligible for HUD assistance, and others who are not—to lawfully live under the same roof. Third, it permits those mixed-status households to receive prorated rental assistance covering only the eligible family members. This statutory provision requires mixed-status families to pay a higher share of rent compared to families where every member is eligible for assistance, to account for ineligible household members.<sup>4</sup> The law plainly states that “[i]f the eligibility for financial assistance of at least one member of a family has been affirmatively established ... and the ineligibility of one or more family

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<sup>1</sup> U.S. Department of Housing and Urban Development, Federal Register Notice, Proposed Rule, “Housing and Community Development Act of 1980: Verification of Eligible Status,” February 20, 2026, <https://www.federalregister.gov/documents/2026/02/20/2026-03405/housing-and-community-development-act-of-1980-verification-of-eligible-status>.

<sup>2</sup> U.S. Department of Housing and Urban Development, “Regulatory Impact Analysis, Housing and Community Development Act of 1980: Verification of Eligibility Status,” September 30, 2025, p. 5, <https://www.regulations.gov/document/HUD-2026-0199-0006>.

<sup>3</sup> 42 U.S.C. 1436a

<sup>4</sup> 42 U.S.C. 1436a(c)(1)(A)

members has not been affirmatively established ... any financial assistance made available to that family by the applicable Secretary *shall* be prorated.”<sup>5</sup>

The law also explicitly states that any rescission of assistance due to ineligibility based on immigration status “shall not apply to a family if the ineligibility of the ineligible individual at issue was considered in calculating any proration of assistance provided for the family.”<sup>6</sup> In addition, the statute affirmatively directs HUD to provide eligible family members with prorated assistance *even if* one or more other members of that family has an immigration status that otherwise renders them ineligible for assistance. In other words: the governing statute is clear that HUD can and should provide eligible renters with prorated assistance in cases when those renters live with non-eligible family members. This is precisely why HUD’s Section 214 implementing regulations currently allow for ineligible family members to “not contend” eligibility—meaning that HUD can simply infer individuals’ ineligibility without additional status verification processes.<sup>7</sup>

### **1. The Proposed Rule Violates Section 214**

The Trump Administration’s proposed rule would upend Section 214. As explained above, that provision of the statute requires HUD to “avoid the division of a family” with mixed immigration statuses by allowing for prorated assistance to be made to such families.<sup>8</sup> In passing and later amending Section 214, Congress made clear that the law would allow households with mixed immigration eligibility status to receive prorated housing assistance.<sup>9</sup> The proposed rule, however, insists that “an individual without verified eligible status living in a mixed household receiving long-term prorated assistance is benefiting from HUD financial assistance in a way that is prohibited by Section 214.”<sup>10</sup> This reflects, at best, a fundamental misunderstanding of Section 214—and, at worst, a willful disregard of the law. Ultimately, the Administration’s proposal, as drafted, does not align with the statute.<sup>11</sup> Indeed, when Congress amended Section 214 in 1987, Senator Armstrong—one of the key negotiators of the law—went to the floor and emphasized the importance of preserving the “sanctity of the family” and described the careful legislative compromise as follows: “[W]here you have a mixed [status] family, that is a legal person, a citizen or a legally resident alien who is receiving housing subsidy and is the husband or wife or son or

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<sup>5</sup> 42 U.S.C. 1436a(b)(2) (emphasis added).

<sup>6</sup> 42 U.S.C. 1436a(d)(6)

<sup>7</sup> 24 CFR 5.508(e)

<sup>8</sup> See *Supra* note 4.

<sup>9</sup> National Housing Law Project, “Analysis of HUD’s Proposed Rule on Mixed Status Families,” February 2026, p. 5, <https://www.nhlp.org/wp-content/uploads/Analysis-of-Mixed-Status-Families-Proposed-Rule.pdf>; See also 42 U.S.C. 1436a(d)(6).

<sup>10</sup> See *Supra* note 1.

<sup>11</sup> Letter from Ranking Member Maxine Water and Representatives Nydia M. Velázquez, Juan Vargas, et al., to HUD Secretary Scott Turner, March 9, 2026, <https://www.regulations.gov/comment/HUD-2026-0199-0661>; See also The National Association of Housing and Redevelopment Officials, “Submit Comments on HUD’s 2026 Mixed-Status Family Rule,” Tushar Gurjal, March 31, 2026, <https://www.nahro.org/news/submit-comments-on-huds-2026-mixed-status-family-rule/>; See also National Housing Law Project, “Analysis of HUD’s Proposed Rule on Mixed Status Families,” February 2026, p. 5, <https://www.nhlp.org/wp-content/uploads/Analysis-of-Mixed-Status-Families-Proposed-Rule.pdf>; See also Letter from Protecting Immigrant Families Coalition to Office of General Counsel, Department of Housing and Urban Development, April 21, 2026, <https://www.regulations.gov/comment/HUD-2026-0199-7744>.

daughter or father or mother of an [undocumented immigrant] who is living in that same residence, that we are not going to force them to break up that family.”<sup>12</sup>

The Administration’s proposal would also add eligibility requirements beyond those specified in the law. In particular, it would mandate that every household member receiving federal rental assistance, no matter their immigration status, verify their affirmative eligibility through the Department of Homeland Security’s Systematic Alien Verification for Entitlements (SAVE) system. The proposal fails to identify any statutory basis for reading Section 214 to require HUD or public housing agencies (PHAs) to verify the immigration status of every family member in order to provide prorated federal rental assistance to eligible individuals. In fact, the governing statute explicitly states that HUD shall not rescind assistance based on immigration status if a household member’s ineligibility “was considered in calculating any proration of assistance provided for the family.”<sup>13</sup> Therefore, the statute affirmatively directs the HUD Secretary to not only provide reduced, prorated assistance where the mixed-status household will then be required to pay more of their income toward rent, but to do so even if one or more members of that family has a different immigration status that makes them ineligible for assistance. This is precisely why HUD’s Section 214 implementing regulations currently allow for ineligible family members to “not contend” eligibility.<sup>14</sup> The law does not time-limit prorated assistance to the period while verification is pending, and removing the “do not contend” option in rulemaking ignores HUD’s statutory mandate to keep families together under Section 214, as Congress intended.<sup>15</sup> By administratively mandating verification, the proposed rule eliminates family members’ option to “not contend” their eligibility, functionally eliminating prorated assistance outside of a limited, pre-verification period, undermining the federal statute permitting mixed-status families to receive rental assistance that was clearly established by Congress.

Additionally, HUD’s proposed rule relies on the use of SAVE despite concerns regarding the weaponization of this system and known inaccuracies in the system itself that make its use inappropriate for making definitive conclusions about immigration status. Inaccurate or incomplete SAVE data have been found to produce wrongful or non-definitive determinations of citizenship and immigration status, which would in turn affect families’ eligibility for critical housing assistance and maintaining family unity.<sup>16</sup> Furthermore, experts have “warned that transforming SAVE into a sweeping repository of Americans’ highly sensitive personal information poses serious risks to data security.”<sup>17</sup>

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<sup>12</sup> U.S. Senate Congressional Record, Volume 133, December 21, 1987, p. 37657, , <https://www.congress.gov/100/crecb/1987/12/21/GPO-CRECB-1987-pt26-1-2.pdf>.

<sup>13</sup> 42 U.S.C. 1436a(d)(6)

<sup>14</sup> 24 CFR 5.508(e)

<sup>15</sup> See *Supra* note 4 and 7.

<sup>16</sup> Wired, “DHS’s Data Grab Is Getting Citizens Kicked Off Voter Rolls, New Complaint Says,” Vittoria Elliott, January 22, 2026, <https://www.wired.com/story/dhs-data-grab-getting-citizens-kicked-off-voter-rolls/>; See also Brennan Center for Justice, “Homeland Security’s ‘SAVE’ Program Exacerbates Risks to Voters,” Jasleen Singh and Spencer Reynolds, July 21, 2025, <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>; See also Center on Budget and Policy Priorities, “Trump Administration’s Legally Dubious Misuse of Social Security Data Risks Disenfranchising Eligible Voters,” Kathleen Romig, December 9, 2025, <https://www.cbpp.org/blog/trump-administrations-legally-dubious-misuse-of-social-security-data-risks-disenfranchising>.

<sup>17</sup> American Oversight, “American Oversight Urges DHS to Halt Unlawful Expansion of SAVE System Citing Data Privacy, Eligible Voter Purge Concerns,” December 1, 2025, <https://americanoversight.org/american-oversight->

## 2. HUD's Proposal Would Increase Costs and Evictions

Not only would this proposed rule conflict with the law, but HUD itself has admitted that it will lead to increased costs, fewer families housed, and a wave of evictions of families and children across the country.<sup>18</sup> Under the current Section 214 proration model, mixed-status households receive less rental assistance and pay more in rent compared to households where every family member is eligible for assistance. HUD's proposed rule would increase those costs: the Department's own regulatory impact analysis admits that families expected to receive rental assistance in place of mixed-status households will "require higher levels of subsidy," resulting in up to \$251 million in additional subsidy for replacement households, evictions, and administrative implementation costs.<sup>19</sup> HUD attempts to argue that the cost of this proposal "is adequately offset by the reallocation of HUD funds to the intended recipients."<sup>20</sup> As noted above, this ignores the reality that under Section 214, assistance is clearly intended for families living in mixed-status households.<sup>21</sup>

In reality, the cost of this proposal exceeds that of a similar failed proposed mixed status rule under the first Trump Administration that HUD estimated would have led to an "aggregate increase [of \$193 million to \$227 million annually] in HUD's budget to provide subsidies to the replacement households."<sup>22</sup> According to experts, "If finalized and implemented, this proposal would cause nearly 80,000 families to lose their housing assistance, including nearly 37,000 children."<sup>23</sup> Ultimately, this proposed rule will both deny assistance to individuals who are legally eligible to receive it and also make it harder for HUD and PHAs to serve eligible renters at a time when affordable housing is more unaffordable and out of reach than ever before. In fact, HUD admits in its regulatory impact analysis that "[a]bsent an increase in appropriations for all covered programs, [which the administration has advocated to defund,<sup>24</sup>] fewer households would receive housing assistance."<sup>25</sup>

Forcing PHAs to evict mixed-status families, which include U.S. citizens, in violation of Section 214 reflects this Administration's cruel and ideological approach to immigration and housing policy, which comes at a huge cost to the American people and the goals of the statute that Congress wrote. We call on HUD to withdraw this proposed rule and leave the agency's current regulation in place, which complies with Section 214 as Congress intended.

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[urges-dhs-to-halt-unlawful-expansion-of-save-system-citing-data-privacy-eligible-voter-purge-concerns/](#).

<sup>18</sup> See *Supra* note 2.

<sup>19</sup> See *Supra* note 2, p. 5.

<sup>20</sup> See *Supra* note 1, p. 8153.

<sup>21</sup> See *Supra* notes 1 and 12.

<sup>22</sup> U.S. Department of Housing and Urban Development, "Regulatory Impact Analysis: Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980," April 15, 2019, p. 3, <https://nlihc.org/sites/default/files/2019-05/Noncitizen-RIA-Final-April-15-2019.pdf>.

<sup>23</sup> National Low Income Housing Coalition, "HUD Publishes Proposed Mixed-Status Rule," February 20, 2026, <https://nlihc.org/resource/hud-publishes-proposed-mixed-status-rule>.

<sup>24</sup> U.S. Department of Housing and Urban Development, "Congressional Justifications," 2026, p. 2-5, [https://www.hud.gov/sites/dfiles/CFO/documents/FY\\_2026\\_Congressional\\_Justification\\_E-File.pdf](https://www.hud.gov/sites/dfiles/CFO/documents/FY_2026_Congressional_Justification_E-File.pdf).

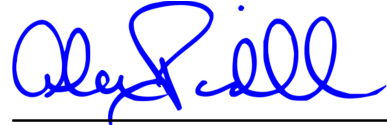
<sup>25</sup> See *Supra* note 2, p. 5.

Sincerely,



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Elizabeth Warren  
Ranking Member  
Committee on Banking,  
Housing, and Urban Affairs



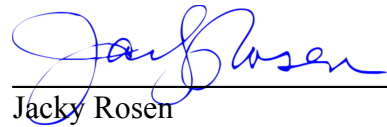
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Alex Padilla  
United States Senator



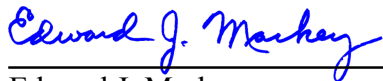
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Adam B. Schiff  
United States Senator



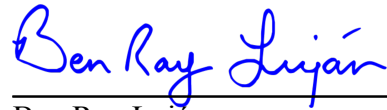
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Jacky Rosen  
United States Senator



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Edward J. Markey  
United States Senator



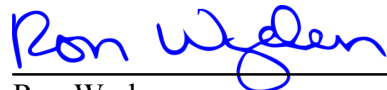
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Ben Ray Lujan  
United States Senator



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Chris Van Hollen  
United States Senator



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Ron Wyden  
United States Senator



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Richard Blumenthal  
United States Senator



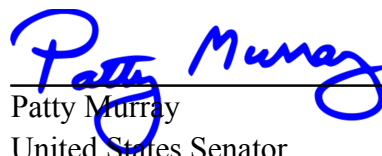
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Peter Welch  
United States Senator



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Bernard Sanders  
United States Senator



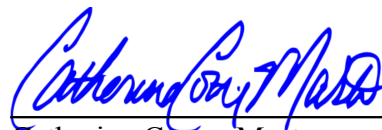
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Patty Murray  
United States Senator



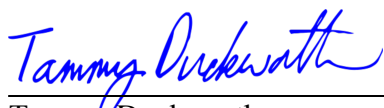
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Cory A. Booker  
United States Senator



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Catherine Cortez Masto  
United States Senator



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Tammy Duckworth  
United States Senator



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Michael F. Bennet  
United States Senator



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Richard J. Durbin  
United States Senator



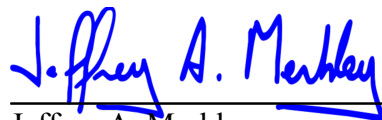
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Martin Heinrich  
United States Senator



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Jack Reed  
United States Senator



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Jeffrey A. Merkley  
United States Senator



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Mazie K. Hirono  
United States Senator



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Charles E. Schumer  
United States Senator